

# HOUSE . . . . . No. 925

By Mr. Quinn of Dartmouth, petition of John F. Quinn relative to confidentiality of documents within and access to CORI data by the Division of Banks. The Judiciary.

## The Commonwealth of Massachusetts

In the Year Two Thousand and Five.

AN ACT RELATIVE TO CONFIDENTIALITY OF DOCUMENTS WITHIN AND ACCESS TO CORI DATA BY THE DIVISION OF BANKS.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Section 172 of chapter 6 of the General Laws, as  
2 appearing in the 2002 Official Edition, is hereby amended by  
3 adding the following paragraph:—

4 The division of banks shall be deemed to be a criminal justice  
5 agency under section 172 of chapter 6 for the purposes of its  
6 examinations under section 2 of chapter 167, and its licensing and  
7 examinations or inspections under sections 24-28 of chapter 93;  
8 sections 96-114A of chapter 140; section 4 of chapter 167F; and  
9 chapters 169, 169A, 255B, 255C, 255D, and 255E.

1 SECTION 2. Section 24 of chapter 93 of the General Laws, as  
2 appearing in the 2000 Official Edition, is hereby amended by  
3 inserting after the first paragraph the following two paragraphs:—

4 The commissioner shall preserve a full record of each such  
5 examination of a bank including a statement of its condition. All  
6 records of investigations and reports of examinations by the com-  
7 missioner, including workpapers, information derived from such  
8 reports or responses to such reports, and any copies thereof in the  
9 possession of any institution under the supervision of the commis-  
10 sioner, shall be confidential and privileged communications, shall  
11 not be subject to subpoena and shall not be made public. For the  
12 purposes of this paragraph, records of investigation and reports of  
13 examinations shall include records of investigation and reports of

14 examinations conducted by any bank regulatory agency of the fed-  
15 eral government and any other state, and of any foreign govern-  
16 ment which are considered confidential by such agency or foreign  
17 government and which are in possession of the commissioner. In  
18 any proceeding before a court, the court may issue a protective  
19 order in appropriate circumstances to protect the confidentiality of  
20 any such record and other than any such record on file with the  
21 court or filed in connection with the court proceeding be sealed  
22 and that the public be excluded from any portion of the pro-  
23 ceeding at which any such record is disclosed. Copies of such  
24 reports of examination shall be furnished to a licensee for its use  
25 only and shall not be exhibited to any other person, organization  
26 or agency without prior written approval by the commissioner.  
27 The commissioner may, in his discretion, furnish to regulatory  
28 agencies of the federal government, or other states, or of foreign  
29 countries, and any law enforcement agency, such information,  
30 reports, inspections and statements relating to the licensees under  
31 his supervision as he deems appropriate.

32 The commissioner, or his examiners or such others of his assis-  
33 tants as he may designate, may summon the directors, officers or  
34 agents of a licensee, or any other witnesses, and examine them  
35 relative to the affairs, transactions and condition of the licensee,  
36 and, for that purpose, may administer oaths. Whoever, without  
37 justifiable cause, refuses to appear and testify when so required or  
38 obstructs the person making such examination in the performance  
39 of his duty, shall be punished by a fine of not more than one thou-  
40 sand dollars or by imprisonment for not more than one year or  
41 both.

1 SECTION 3. Section 24B of said chapter 93, as so appearing, is  
2 hereby amended by striking out the first sentence and inserting in  
3 place thereof the following:— The commissioner may require  
4 such financial statements and references of all applicants for a  
5 license as he deems necessary and may make an investigation or  
6 cause an independent investigation to be made concerning the  
7 applicant's reputation, integrity and net worth; provided, however,  
8 that if such required information, whether for initial licensing or  
9 any renewal thereof, includes the applicant's tax returns or credit  
10 reports, any such documents shall not constitute a public record  
11 subject to disclosure pursuant to section 10 of section 66.

1     SECTION 4. Section 97 of chapter 140 of the General Laws, as  
2 so appearing, is hereby amended by striking out the word  
3 “licensee” in line 8 and inserting in place thereof the following:—  
4 “licensee; provided, however, that if such required information,  
5 whether for initial licensing or any renewal thereof, includes the  
6 applicant’s tax returns or credit reports, such documents shall not  
7 constitute a public record subject to disclosure pursuant to section  
8 10 of chapter 66.”; and inserting after the first paragraph the  
9 following two paragraphs:—

10     The commissioner shall preserve a full record of each such  
11 examination of a bank including a statement of its condition. All  
12 records of investigations and reports of examinations by the com-  
13 missioner, including workpapers, information derived from such  
14 reports or responses to such reports, and any copies thereof in the  
15 possession of any institution under the supervision of the commis-  
16 sioner, shall be confidential and privileged communications, shall  
17 not be subject to subpoena and shall not be made public. For the  
18 purposes of this paragraph, records of investigation and reports of  
19 examinations shall include records of investigation and reports of  
20 examinations conducted by any bank regulatory agency of the fed-  
21 eral government and any other state, and of any foreign govern-  
22 ment which are considered confidential by such agency or foreign  
23 government and which are in possession of the commissioner. In  
24 any proceeding before a court, the court may issue a protective  
25 order in appropriate circumstances to protect the confidentiality of  
26 any such record and other than any such record on file with the  
27 court or filed in connection with the court proceeding be sealed  
28 and that the public be excluded from any portion of the pro-  
29 ceeding at which any such record is disclosed. Copies of such  
30 reports of examination shall be furnished to a licensee for its use  
31 only and shall not be exhibited to any other person, organization  
32 or agency without prior written approval by the commissioner.  
33 The commissioner may, in his discretion, furnish to regulatory  
34 agencies of the federal government, of other states, or of foreign  
35 countries, and any law enforcement agency, such information,  
36 reports, inspections and statements relating to the licensees under  
37 his supervision as he deems appropriate.

38     The commissioner, or his examiners or such others of his assis-  
39 tants as he may designate, may summon the directors, officers or

40 agents of a licensee, or any other witnesses, and examine them  
41 relative to the affairs, transactions and condition of the licensee,  
42 and, for that purpose, may administer oaths. Whoever, without  
43 justifiable cause, refuses to appear and testify when so required or  
44 obstructs the person making such examination in the performance  
45 of his duty, shall be punished by a fine of not more than one thou-  
46 sand dollars or by imprisonment for not more than one year.

1 SECTION 5. Section 2 of chapter 167 of the General Laws, as  
2 appearing in the 2000 Official Edition, is hereby amended by  
3 striking out the sixth paragraph and inserting in place thereof the  
4 following paragraph:—

5 The commissioner shall preserve a full record of each such  
6 examination of a bank including a statement of its condition. All  
7 records of investigations and reports of examinations by the com-  
8 missioner, including workpapers, information derived from such  
9 reports or responses to such reports, and any copies thereof in the  
10 possession of any institution under the supervision of the commis-  
11 sioner, shall be confidential and privileged communications, shall  
12 not be subject to subpoena and shall not be made public. For the  
13 purposes of this paragraph, records of investigation and reports of  
14 examinations shall include records of investigation and reports of  
15 examinations conducted by any bank regulatory agency of the fed-  
16 eral government and any other state, and of any foreign govern-  
17 ment which are considered confidential by such agency or foreign  
18 government and which are in possession of the commissioner. In  
19 any proceeding before a court, the court may issue a protective  
20 order in appropriate circumstances to protect the confidentiality of  
21 any such record and other than any such record on file with the  
22 court or filed in connection with the court proceeding be sealed  
23 and that the public be excluded from any portion of the pro-  
24 ceeding at which any such record is disclosed.

1 SECTION 6. Section 4 of Chapter 167F of the General Laws,  
2 as so appearing, is hereby amended by striking out the word  
3 “person” in line 19 and inserting in place thereof the following:—  
4 “person; provided, however, that if such required information  
5 includes the applicant’s tax returns or credit reports, such docu-  
6 ments shall not constitute a public record subject to disclosure

7 pursuant to section 10 of chapter 66.”; and by inserting after the  
8 fourth paragraph the following two paragraphs:—

9 The commissioner shall examine any such person, to whom any  
10 such certificate to engage in the business of selling, issuing or reg-  
11 istering checks or money orders has been issued, as he deems nec-  
12 essary and in a manner he deems appropriate. The commissioner  
13 shall preserve a full record of each such examination of a bank  
14 including a statement of its condition. All records of investiga-  
15 tions and reports of examinations by the commissioner, including  
16 workpapers, information derived from such reports or responses to  
17 such reports, and any copies thereof in the possession of any insti-  
18 tution under the supervision of the commissioner, shall be confi-  
19 dential and privileged communications, shall not be subject to  
20 subpoena and shall not be made public. For the purposes of this  
21 paragraph, records of investigation and reports of examinations  
22 shall include records of investigation and reports of examinations  
23 conducted by any bank regulatory agency of the federal govern-  
24 ment and any other state, and of any foreign government which  
25 are considered confidential by such agency or foreign government  
26 and which are in possession of the commissioner. In any pro-  
27 ceeding before a court, the court may issue a protective order in  
28 appropriate circumstances to protect the confidentiality of any  
29 such record and other than any such record on file with the court  
30 or filed in connection with the court proceeding be sealed and that  
31 the public be excluded from any portion of the proceeding at  
32 which any such record is disclosed. Copies of such reports of  
33 examination shall be furnished to a licensee for its use only and  
34 shall not be exhibited to any other person, organization or agency  
35 without prior written approval by the commissioner. The commis-  
36 sioner may, in his discretion, furnish to regulatory agencies of the  
37 federal government, of other states, or of foreign countries, and  
38 any law enforcement agency, such information, reports, inspec-  
39 tions and statements relating to the licensees under his supervision  
40 as he deems appropriate.

41 The commissioner, or his examiners or such others of his assis-  
42 tants as he may designate, may summon the directors, officers or  
43 agents of a licensee, or any other witnesses, and examine them  
44 relative to the affairs, transactions and condition of the licensee,  
45 and, for that purpose, may administer oaths. Whoever, without

46 justifiable cause, refuses to appear and testify when so required or  
47 obstructs the person making such examination in the performance  
48 of his duty, shall be punished by a fine of not more than one thou-  
49 sand dollars or by imprisonment for not more than one year.

1     SECTION 7. Section 6 of chapter 169 of the General Laws, as  
2 so appearing, is hereby amended by striking out the second sen-  
3 tence and inserting in place thereof the following sentence:— Fur-  
4 ther such application shall include a description of the activities of  
5 the applicant, in such detail and for such periods as the commis-  
6 sioner may require, and such further information as the commis-  
7 sioner may require; provided, however, that if such required  
8 information includes the applicant's tax returns or credit reports,  
9 such documents shall not constitute a public record subject to dis-  
10 closure pursuant to section 10 of chapter 66.

1     SECTION 8. Section 10 of chapter 169, as so appearing, is  
2 hereby amended by inserting after the second paragraph the  
3 following two paragraphs:—

4     The commissioner shall preserve a full record of each such  
5 examination of a bank including a statement of its condition. All  
6 records of investigations and reports of examinations by the com-  
7 missioner, including workpapers, information derived from such  
8 reports or responses to such reports, and any copies thereof in the  
9 possession of any institution under the supervision of the commis-  
10 sioner, shall be confidential and privileged communications, shall  
11 not be subject to subpoena and shall not be made public. For the  
12 purposes of this paragraph, records of investigation and reports of  
13 examinations shall include records of investigation and reports of  
14 examinations conducted by any bank regulatory agency of the fed-  
15 eral government and any other state, and of any foreign govern-  
16 ment which are considered confidential by such agency or foreign  
17 government and which are in possession of the commissioner. In  
18 any proceeding before a court, the court may issue a protective  
19 order in appropriate circumstances to protect the confidentiality of  
20 any such record and other than any such record on file with the  
21 court or filed in connection with the court proceeding be sealed  
22 and that the public be excluded from any portion of the pro-  
23 ceeding at which any such record is disclosed. Copies of such

24 reports of examination shall be furnished to a licensee for its use  
25 only and shall not be exhibited to any other person, organization  
26 or agency without prior written approval by the commissioner.  
27 The commissioner may, in his discretion, furnish to regulatory  
28 agencies of the federal government, of other states, or of foreign  
29 countries, and any law enforcement agency, such information,  
30 reports, inspections and statements relating to the licensees under  
31 his supervision as he deems appropriate.

32 The commissioner, or his examiners or such others of his assis-  
33 tants as he may designate, may summon the directors, officers or  
34 agents of a licensee, or any other witnesses, and examine them  
35 relative to the affairs, transactions and condition of the licensee,  
36 and, for that purpose, may administer oaths. Whoever, without  
37 justifiable cause, refuses to appear and testify when so required or  
38 obstructs the person making such examination in the performance  
39 of his duty, shall be punished by a fine of not more than one thou-  
40 sand dollars or by imprisonment for not more than one year.

1 SECTION 9. Section 3 of chapter 169A of the General Laws,  
2 as so appearing, is hereby amended by striking out the word  
3 “unit” in line 14 and inserting in place thereof the following:—  
4 unit; provided, however, that if such required information includes  
5 the applicant’s tax returns or credit reports, such documents shall  
6 not constitute a public record subject to disclosure pursuant to  
7 section 10 of chapter 66.

1 SECTION 10. Section 10 of chapter 169A, as so appearing, is  
2 hereby amended by adding the following two paragraphs:—

3 The commissioner shall preserve a full record of each such  
4 examination of a bank including a statement of its condition. All  
5 records of investigations and reports of examinations by the com-  
6 missioner, including workpapers, information derived from such  
7 reports or responses to such reports, and any copies thereof in the  
8 possession of any institution under the supervision of the commis-  
9 sioner, shall be confidential and privileged communications, shall  
10 not be subject to subpoena and shall not be made public. For the  
11 purposes of this paragraph, records of investigation and reports of  
12 examinations shall include records of investigation and reports of  
13 examinations conducted by any bank regulatory agency of the fed-

14 eral government and any other state, and of any foreign govern-  
15 ment which are considered confidential by such agency or foreign  
16 government and which are in possession of the commissioner. In  
17 any proceeding before a court, the court may issue a protective  
18 order in appropriate circumstances to protect the confidentiality of  
19 any such record and other than any such record on file with the  
20 court or filed in connection with the court proceeding be sealed  
21 and that the public be excluded from any portion of the pro-  
22 ceeding at which any such record is disclosed. Copies of such  
23 reports of examination shall be furnished to a licensee for its use  
24 only and shall not be exhibited to any other person, organization  
25 or agency without prior written approval by the commissioner.  
26 The commissioner may, in his discretion, furnish to regulatory  
27 agencies of the federal government, of other states, or of foreign  
28 countries, and any law enforcement agency, such information,  
29 reports, inspections and statements relating to the licensees under  
30 his supervision as he deems appropriate.

31 The commissioner, or his examiners or such others of his assis-  
32 tants as he may designate, may summon the directors, officers or  
33 agents of a licensee, or any other witnesses, and examine them  
34 relative to the affairs, transactions and condition of the licensee,  
35 and, for that purpose, may administer oaths. Whoever, without  
36 justifiable cause, refuses to appear and testify when so required or  
37 obstructs the person making such examination in the performance  
38 of his duty, shall be punished by a fine of not more than one thou-  
39 sand dollars or by imprisonment for not more than one year.

1 SECTION 11. Section 2 of chapter 255B of the General Laws,  
2 as so appearing, is hereby amended by striking out the word  
3 “seven” in line 13 and inserting in place thereof the following:—  
4 seven; provided, however, that if such required information  
5 includes the applicant’s tax returns or credit reports, such docu-  
6 ments shall not constitute a public record subject to disclosure  
7 pursuant to section 10 of chapter 66.

1 SECTION 12. Section 3 of Chapter 255B, as so appearing, is  
2 hereby amended by inserting after the first paragraph the  
3 following two paragraphs:—



4 The commissioner shall preserve a full record of each such  
5 examination of a bank including a statement of its condition. All  
6 records of investigations and reports of examinations by the com-  
7 missioner, including workpapers, information derived from such  
8 reports or responses to such reports, and any copies thereof in the  
9 possession of any institution under the supervision of the commis-  
10 sioner, shall be confidential and privileged communications, shall  
11 not be subject to subpoena and shall not be made public. For the  
12 purposes of this paragraph, records of investigation and reports of  
13 examinations shall include records of investigation and reports of  
14 examinations conducted by any bank regulatory agency of the fed-  
15 eral government and any other state, and of any foreign govern-  
16 ment which are considered confidential by such agency or foreign  
17 government and which are in possession of the commissioner. In  
18 any proceeding before a court, the court may issue a protective  
19 order in appropriate circumstances to protect the confidentiality of  
20 any such record and other than any such record on file with the  
21 court or filed in connection with the court proceeding be sealed  
22 and that the public be excluded from any portion of the pro-  
23 ceeding at which any such record is disclosed. Copies of such  
24 reports of examination shall be furnished to a licensee for its use  
25 only and shall not be exhibited to any other person, organization  
26 or agency without prior written approval by the commissioner.  
27 The commissioner may, in his discretion, furnish to regulatory  
28 agencies of the federal government, of other states, or of foreign  
29 countries, and any law enforcement agency, such information,  
30 reports, inspections and statements relating to the licensees under  
31 his supervision as he deems appropriate.

32 The commissioner, or his examiners or such others of his assis-  
33 tants as he may designate, may summon the directors, officers or  
34 agents of a licensee, or any other witnesses, and examine them  
35 relative to the affairs, transactions and condition of the licensee,  
36 and, for that purpose, may administer oaths. Whoever, without  
37 justifiable cause, refuses to appear and testify when so required or  
38 obstructs the person making such examination in the performance  
39 of his duty, shall be punished by a fine of not more than one thou-  
40 sand dollars or by imprisonment for not more than one year.

1 SECTION 13. Section 3 of chapter 255C of the General Laws,  
2 as so appearing, is hereby amended by striking out the word  
3 “seven” in line 5 and inserting in place thereof the following:—  
4 seven; provided, however, that if such required information  
5 includes the applicant’s tax returns or credit reports, such docu-  
6 ments shall not constitute a public record subject to disclosure  
7 pursuant to section 10 of chapter 66.

1 SECTION 14. Section 6 of chapter 255C, as so appearing, is  
2 hereby amended by striking out the second paragraph and  
3 inserting in place thereof the following:—  
4 The commissioner shall preserve a full record of each such  
5 examination of a bank including a statement of its condition. All  
6 records of investigations and reports of examinations by the com-  
7 missioner, including workpapers, information derived from such  
8 reports or responses to such reports, and any copies thereof in the  
9 possession of any institution under the supervision of the commis-  
10 sioner, shall be confidential and privileged communications, shall  
11 not be subject to subpoena and shall not be made public. For the  
12 purposes of this paragraph, records of investigation and reports of  
13 examinations shall include records of investigation and reports of  
14 examinations conducted by any bank regulatory agency of the fed-  
15 eral government and any other state, and of any foreign govern-  
16 ment which are considered confidential by such agency or foreign  
17 government and which are in possession of the commissioner. In  
18 any proceeding before a court, the court may issue a protective  
19 order in appropriate circumstances to protect the confidentiality of  
20 any such record and other than any such record on file with the  
21 court or filed in connection with the court proceeding be sealed  
22 and that the public be excluded from any portion of the pro-  
23 ceeding at which any such record is disclosed. Copies of such  
24 reports of examination shall be furnished to a licensee for its use  
25 only and shall not be exhibited to any other person, organization  
26 or agency without prior written approval by the commissioner.  
27 The commissioner may, in his discretion, furnish to regulatory  
28 agencies of the federal government, of other states, or of foreign  
29 countries, and any law enforcement agency, such information,  
30 reports, inspections and statements relating to the licensees under  
31 his supervision as he deems appropriate.

32 The commissioner, or his examiners or such others of his assis-  
33 tants as he may designate, may summon the directors, officers or  
34 agents of a licensee, or any other witnesses, and examine them  
35 relative to the affairs, transactions and condition of the licensee,  
36 and, for that purpose, may administer oaths. Whoever, without  
37 justifiable cause, refuses to appear and testify when so required or  
38 obstructs the person making such examination in the performance  
39 of his duty, shall be punished by a fine of not more than one thou-  
40 sand dollars or by imprisonment for not more than one year.

1 SECTION 15. Section 2 of chapter 255D of the General Laws,  
2 as so appearing, is hereby amended by striking out the word  
3 “determine” in line 9 and inserting in place thereof the  
4 following:— determine; provided, however, that if such required  
5 information includes the applicant’s tax returns or credit reports,  
6 such documents shall not constitute a public record subject to dis-  
7 closure pursuant to section 10 of chapter 66.

1 SECTION 16. Section 3 of chapter 255D of the General Laws,  
2 as so appearing, is hereby amended by inserting after the first  
3 paragraph the following two paragraphs:—  
4 The commissioner shall preserve a full record of each such  
5 examination of a bank including a statement of its condition. All  
6 records of investigations and reports of examinations by the com-  
7 missioner, including workpapers, information derived from such  
8 reports or responses to such reports, and any copies thereof in the  
9 possession of any institution under the supervision of the commis-  
10 sioner, shall be confidential and privileged communications, shall  
11 not be subject to subpoena and shall not be made public. For the  
12 purposes of this paragraph, records of investigation and reports of  
13 examinations shall include records of investigation and reports of  
14 examinations conducted by any bank regulatory agency of the fed-  
15 eral government and any other state, and of any foreign govern-  
16 ment which are considered confidential by such agency or foreign  
17 government and which are in possession of the commissioner. In  
18 any proceeding before a court, the court may issue a protective  
19 order in appropriate circumstances to protect the confidentiality of  
20 any such record and other than any such record on file with the  
21 court or filed in connection with the court proceeding be sealed

22 and that the public be excluded from any portion of the pro-  
23 ceeding at which any such record is disclosed. Copies of such  
24 reports of examination shall be furnished to a licensee for its use  
25 only and shall not be exhibited to any other person, organization  
26 or agency without prior written approval by the commissioner.  
27 The commissioner may, in his discretion, furnish to regulatory  
28 agencies of the federal government, of other states, or of foreign  
29 countries, and any law enforcement agency, such information,  
30 reports, inspections and statements relating to the licensees under  
31 his supervision as he deems appropriate.

32 The commissioner, or his examiners or such others of his assis-  
33 tants as he may designate, may summon the directors, officers or  
34 agents of a licensee, or any other witnesses, and examine them  
35 relative to the affairs, transactions and condition of the licensee,  
36 and, for that purpose, may administer oaths. Whoever, without  
37 justifiable cause, refuses to appear and testify when so required or  
38 obstructs the person making such examination in the performance  
39 of his duty, shall be punished by a fine of not more than one thou-  
40 sand dollars or by imprisonment for not more than one year.

1 SECTION 17. Section 3 of chapter 255E of the General Laws,  
2 as so appearing, is hereby amended by striking out the word  
3 “require” in line 9 and inserting in place thereof the following:—  
4 require; provided, however, that if such required information  
5 includes the applicant’s tax returns or credit reports, such docu-  
6 ments shall not constitute a public record subject to disclosure  
7 pursuant to section 10 of chapter 66.

1 SECTION 18. Section 8 of chapter 255E, as so appearing, is  
2 hereby amended by adding the following two paragraphs:—

3 The commissioner shall preserve a full record of each such  
4 examination of a bank including a statement of its condition. All  
5 records of investigations and reports of examinations by the com-  
6 missioner, including workpapers, information derived from such  
7 reports or responses to such reports, and any copies thereof in the  
8 possession of any institution under the supervision of the commis-  
9 sioner, shall be confidential and privileged communications, shall  
10 not be subject to subpoena and shall not be made public. For the  
11 purposes of this paragraph, records of investigation and reports of

12 examinations shall include records of investigation and reports of  
13 examinations conducted by any bank regulatory agency of the fed-  
14 eral government and any other state, and of any foreign govern-  
15 ment which are considered confidential by such agency or foreign  
16 government and which are in possession of the commissioner. In  
17 any proceeding before a court, the court may issue a protective  
18 order in appropriate circumstances to protect the confidentiality of  
19 any such record and other than any such record on file with the  
20 court or filed in connection with the court proceeding be sealed  
21 and that the public be excluded from any portion of the pro-  
22 ceeding at which any such record is disclosed. Copies of such  
23 reports of examination shall be furnished to a licensee for its use  
24 only and shall not be exhibited to any other person, organization  
25 or agency without prior written approval by the commissioner.  
26 The commissioner may, in his discretion, furnish to regulatory  
27 agencies of the federal government, of other states, or of foreign  
28 countries, and any law enforcement agency, such information,  
29 reports, inspections and statements relating to the licensees under  
30 his supervision as he deems appropriate.

31 The commissioner, or his examiners or such others of his assis-  
32 tants as he may designate, may summon the directors, officers or  
33 agents of a licensee, or any other witnesses, and examine them  
34 relative to the affairs, transactions and condition of the licensee,  
35 and, for that purpose, may administer oaths. Whoever, without  
36 justifiable cause, refuses to appear and testify when so required or  
37 obstructs the person making such examination in the performance  
38 of his duty, shall be punished by a fine of not more than one thou-  
39 sand dollars or by imprisonment for not more than one year.